**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2830 OF 2004**

**IN**

**FIRST APPEAL NO. 853 OF 2000**

J. R. Pandey ..Applicant

(Ori.Resp. No.2)

versus

Bombay Municipal Corporation of
Greater Mumbai & Anr. ..Respondents

Mr. J. A. Kharge i/b. S. Sakhare for the Applicant - Original Respondent No.2.
Mr. J. J. Xavier for the Respondents No.1.

**CORAM : D. G. DESHPANDE,J.**

**DATE : 21ST OCTOBER,2005**

**P.C. :**

1. Heard.

2. This application is filed by the applicant - original respondent No. 2 for permission to construct on the ground that the structure is in

dilapidated condition. Copy of the application which was filed by the applicant - respondent No.2 to the BMC is annexed as Exhibit 'B' to this Application. Now applicant - respondent No.2 wants to make construction in brick masonry and cement . Photographs of the present strcuture are shown and they are taken on record. If any permission is granted to change the nature of the structure, as prayed, that will definitely affect the claim and contention of the Corporation, such a change cannot be permitted. Even according to the counsel for the BMC the original structure was demolished and then this structure, which is in the photograph, is erected. Therefore, application rejected. Civil Application disposed of accordingly.

21.10.2005 (D.G. DESHPANDE, J.)